FOR ARGUMENT

Nos. 75-909, 75-960, and 75-1055

IN THE SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1976

ENVIRONMENTAL PROTECTION AGENCY, PETITIONER
V.
EDMUND G. BROWN, JR., GOVERNOR OF THE STATE OF CALIFORNIA, ET AL.

ENVIRONMENTAL PROTECTION AGENCY, PETITIONER
V.
STATE OF MARYLAND, ET AL.

RUSSELL E. TRAIN, ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, PETITIONER
V.
DISTRICT OF COLUMBIA, ET AL.

ON WRITS OF CERTIORARI TO THE UNITED STATES COURTS OF APPEALS FOR THE NINTH, FOURTH AND DISTRICT OF COLUMBIA CIRCUITS

BRIEF FOR AMICUS CURIAE THE CITY OF NEW YORK

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INTEREST OF THE AMICUS CURIAE

In October, 1974, a coalition of environmental organizations filed suit in the United States District Court for the Southern District of New York to compel The City of New York, under the authority of the Clean Air Act, to implement certain measures to reduce motor vehicle traffic. Friends of the Earth, et al. v. Carey, et al., 74 Civ. 4500, S.D.N.Y., October, 1974. The City has interposed as a defense the same constitutional argument in issue here. By direct appeal and by motion in an earlier appeal, the constitutional question is now pending before the Second Circuit Court of Appeals.

Should the plaintiffs prevail against the City, the consequences for the City's governmental structure would be catastrophic. It is a matter of public knowledge that the City is suffering through a severe fiscal crisis. The measures that plaintiffs would require of the City would necessitate the diversion of scare resources at the expense

of fundamental governmental services. For example, the City's already-depleted police force would be compelled to augment its traffic enforcement and vehicle towaway program, thereby reducing the manpower available for anti-crime activities. Among the other measures that would be required of the City would be the tolling of bridges which connect the City's boroughs; the complete alteration of the pattern of goods deliveries to business and industry; and the elimination of parking facilities in large areas of Manhattan. The City's Mayor has advised the Court, by affidavit, that whatever the merit of those measures in the abstract, implementation at this time would place an undue financial burden upon the City. Nevertheless, the plaintiffs insist upon immediate action, relying upon the allegedly mandatory provisions of the Clean Air Act.

The City is thus vitally interested in the outcome of this litigation. Although the issues in Friends of the Earth v. Carey, supra, have arisen in a somewhat different context (specifically, a State-adopted plan is involved, rather than a federally-imposed plan), this Court's resolution of the cases at bar will have a direct impact upon the City's obligations under the Clean Air Act. Accordingly, the City submits this brief, pursuant to Rule 42(4) of the Court's Rules, as amicus curiae in support of the respondents.

SUMMARY OF ARGUMENT

It is a well-established principle of our federal system that the National Government may not, in the exercise of its authority under the Commerce Clause, control the governmental powers of the States and their subdivisions. The Administrator "concedes"

the point in his brief. Yet the measures that the Administrator would require of the respondents would nevertheless directly affect their police powers and, hence, constitute federal control inconsistent with principles of federalism.

Furthermore, even if the Administrator's requirements did not directly impinge upon the respondents' police powers, the effect of those requirements is to interfere significantly with the decision-making process underlying the utilization and application of those powers. Accordingly, the limit drawn by National League of Cities v. Usery -U.S.-, 44 U.S.L.W. 4974 (No. 74-878, June 24, 1976), is transgressed. The Administrator's argument that the compliance measures at issue are narrow in scope - being directed only at a State's transportation policy - is disingenuous, for it totally ignores the

budgetary and manpower ramifications of compliance and the consequential effect on other vital governmental services.

ARGUMENT

IF, UNDER THE CLEAN AIR ACT, THE ADMINISTRATOR COULD COMPEL THE STATES TO EXERCISE THEIR POLICE POWERS, THE ACT WOULD CONTRAVENE THE TENTH AMENDMENT TO THE CONSTITUTION AND PRINCIPLES INHERENT IN A FEDERAL SYSTEM OF GOVERNMENT.

1. The Tenth Amendment

The Tenth Amendment to the Constitution provides that:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Although the Tenth Amendment has sometimes been described as merely stating a "truism" [United States v. Darby, 312 U.S. 100, 124 (1941)], "it is not without significance." Fry v. United States, 421 U.S. 542,

547 n. 7 (1975). Accord, National League of Cities v. Usery, -U.S-., 44 U.S.L.W. 4974, 4976 (No. 74-878, June 24, 1976). Indeed, the history of the Amendment indicates that it embodies a principle of government deemed fundamental to liberty by many of the Framers.

The fear that the National Government would use its powers to destroy the independence of the States, a fear which the Amendment was intended to allay, had been a powerful weapon in the arsenal of those in the State conventions opposing ratification of the Constitution. See, e.g., II Elliot's Debates 60-1, 200, 239, 266-7, 303, 319, 334, 353-56, 377-8, 443-4, 459-61, (1836 ed.); III id. 171, 259, 395, 395-6; IV id. 161, 178-80, 180-1; see also The Federalist, Nos. 43-46; C. Warren, The Making of the Constitution 769 (1937 ed.). Ratification

had, in fact, been accomplished in several of the conventions by very narrow margins and with bitter divisions. And, when Madison introduced in the First Session of Congress his amendment to quell those fears (1 Annals of Congress 441), Rhode Island had still not ratified and North Carolina had already rejected the Constitution.

It should be remembered that prior to the formation of the United States the States were essentially thirteen independent, sovereign powers. The partial surrender of their sovereignty to another government was a novel concept, the implications of which were not at all clear. The Tenth Amendment, then, served as an assurance that the system of government created by the Constitution would be "an indestructible Union composed of indestructible States." Texas v. White, 74 U.S. (7 Wall.) 700, 725 (1868). An

assertion of federal power which ignores the vital role reserved to the States by the Constitution therefore would be repugnant to the basic concept of government held by the Framers.

2. The Sovereign Powers Protected By The Tenth Amendment

Among the governmental powers reserved to the States* and protected by the Tenth Amendment are:

> The right to pass laws, to give effect to laws through executive action, to administer justice through the courts, and to employ all necessary agencies for legitimate purposes of State government....

Veazie Bank v. Fenno, 75 U.S. (8 Wall.) 533, 547 (1869). Such powers are obviously the essence of independent State government and,

*Reference herein to "States" includes their political subdivisions as repositories of State power. See National League of Cities v. Usery, -U.S.- 44, U.S.L.W. 4974, 4980n. 20 (No. 74-878, June 24, 1976).

hence, must be beyond the reach of the powers powers expressly delegated to Congress by the Constitution (in Article I, Section 8). Id.; United States v. Railroad Company, 84 U.S. (17 Wall.) 322, 327-28 (1873); The Federalist, No. 33.

It is true that when a State chooses to exercise its reserved powers to engage in activities otherwise subject to federal regulation, those activities may not escape such regulation merely by virtue of the fact that they are conducted by a State. See, e.g., United States v. California, 297 U.S. 175 (1936); South Carolina v. United States, 199 U.S. 437 (1905). In such cases, however, the State has voluntarily submitted itself to the power of the National Government; it may voluntarily withdraw. Parden v. Terminal Railway, 377 U.S. 184, 192 n. 11 (1964). A converse rule, which extends an immunity from federal

regulation to all State activities, would quickly debilitate the National Government, for the States, clothed with such immunity, could, by enlarging the scope of their activities, block Congress from effectively legislating in many spheres of national concern. See, e.g., Helvering v. Gerhardt, 304 U.S. 405, 417 (1938).

The distinction, then, is that while the National Government may never directly regulate the sovereign functions of State government (e.g., enacting State laws), it is not necessarily precluded from regulating all activities engaged in by States.* This distinction is drawn sharply in New York v. United States, 326 U.S. 572 (1946), which involved the imposition of a federal tax

*See pp. 26-28, infra, for a discussion of when such otherwise proper federal regulation may nevertheless not be applied to State activities.

on the revenues earned by a State agency from the sale of State-owned mineral water. In delivering the judgment of the Court upholding the tax, Justice Frankfurter, in an opinion joined by Justice Rutledge, gave the following reasoning:

> There are, of course, State activities and State-owned property that partake of uniqueness from the point of view of intergovernmental relations.... But so long as Congress generally taps a source of revenue by whomsoever earned and not uniquely capable of being earned only by a State, the Constitution of the United States does not forbid it merely because its incidence also falls on a State.

Id. at 582. (Emphasis added.)

As an example of revenue "uniquely capable of being earned only by a State", Justice Frankfurter noted that only a State could get income from taxation. Id. The National Government could not tax that revenue, for to do so would constitute regulation of a State as a State, since the power to tax

belongs to the State as a sovereign entity. Id.

Chief Justice Stone's concurring opinion, joined by Justices Reed, Murphy and Burton, agreed with Justice Frankfurter that an attempt by the National Government to control or regulate a power uniquely capable of being exercised by a State, i.e., sovereign in character, "would be an unconstitutional exertion of power over a coexisting sovereignty within the same framework of government." Id. at 586. But the Chief Justice felt that, in addition, some instances of federal regulation of even an activity not uniquely a State function could, nevertheless, impair State sovereignty. Id. at 586-90. As an illustration, Chief Justice Stone stated that even a general, nondiscriminatory federal tax on property would be invalid if applied to State-owned property, notwithstanding that

the ownership of property was not uniquely a State activity, because such a tax would interfere with the State's "performance of its functions as a government which the Constitution recognizes as sovereign." Id. at 588.

Chief Justice Stone's reasoning was recently adopted by a majority of this Court in National League of Cities v. Usery, -U.S.-, 44 U.S.L.W. 4974 (No. 74-878, June 24, 1976). The Court held that

> there are attributes of sovereignty attaching to every state government which may not be impaired by Congress, not because Congress may lack an affirmative grant of legislative authority to reach the matter, but because the Constitution prohibits it from exercising the authority in that manner.

Id. at 4977. The dissent in National League of Cities disagreed vigorously that there was any such limitation on the exercise of an otherwise conceded federal power. Id. at 4981. But even the dissent accepted the

narrower view postulated by Justice Frankfurter in New York v. United States that federal regulation could not reach the governmental powers of the States. Thus, Mr. Justice Brennan recognized in his dissenting opinion that federal law could "neither impose policy objectives on the States nor deny the States complete freedom to fix their own objectives." National League of Cities v. Usery, supra, 44 U.S.L.W. at 4986.

3. The National Government May Not Impose Upon The States Decisions Regarding The Conduct Of Government Functions.

Two principles emerge, then, from the decision in National League of Cities v. Usery. First, under no circumstances may Congress regulate directly the governmental powers of the States and their subdivisions. Such powers are not "commerce" within the meaning of Article I, section 8, of the Constitution and, hence, are beyond the ambit of federal

federal authority. National League of Cities v. Usery, supra, 44 U.S.L.W. at 4981-82 (Brennan, J., dissenting). Second, even State activities which do constitute "commerce" may not be regulated by Congress "so as to force directly upon the States its choices as to how essential decisions regarding the conduct of integral governmental functions are to be made." Id. at 4980.

a) Direct regulation of State governmental powers by the National Government.

In the vast, complex federal system of government existing in the United States, interaction between the powers of the State and National Government is, of course, inevitable. For example, many times the States, in response to action taken by the National Government, exercise their sovereign powers to implement or aid the achievement of national goals adopted by Congress. In such

instances of federal-State interaction, Tenth Amendment considerations become relevant only in the rare event that the line drawn by Justice Cardozo in Steward Machine Co. v. Davis, 301 U.S. 548 (1937), is transgressed by Congress.

That case involved the unemployment compensation provisions of the Social Security Act of 1935 (c. 531, 49 Stat. 620). A federal excise tax was imposed upon certain employers, but a credit against that tax was allowed for taxes paid to an unemployment fund established by State law which, in the judgment of the federal Social Security Board, satisfied federally-prescribed minimum criteria. Petitioner, a business located in Alabama, a State which had passed such a law in response to the federal legislation, challenged the Social Security Act on the ground, inter alia, that it violated the Tenth Amend-

ment and principles implicit in a federal system of government, because the State law was extracted by economic pressure and because Alabama was forced to surrender powers essential to its sovereign existence. Justice Cardozo's seminal discussion of that issue is of critical importance to the instant case because, as we show later, viewed in its light, the constitutional infirmity of petitioner's interpretation of the Act becomes readily discernable.

In rejecting the petitioner's argument, Justice Cardozo observed that to sustain such a challenge there must be established the proposition that the federal law operated as a "[weapon] of coercion, destroying or impairing the autonomy of the states." Id. at 586. Justice Cardozo viewed the "temptation" for the States contained in the federal law - i.e., the prospect of retaining control over

funds that would have otherwise been paid to the National Government by employers - as not akin to the exertion of undue influence or to coercion by the National Government. Id. at 590. A State choosing to join the federal program acted of its "unfettered will." Id.

A crucial factor leading Justice Cardozo to the conclusion that Alabama was participating of its own free will was that the Social Security Act permitted a State, at its pleasure, to repeal its unemployment statute and thereby relieve itself of the obligation of satisfying the federally-prescribed criteria:

> Alabama is still free, without breach of an agreement, to change her system over night. No officer or agency of the National Government can force a compensation law upon her or keep it in existence. No officer or agency of that Government, either by suit or other means, can supervise or control the application of the [unemployment compensation] payments.

Id. at 595. (Emphasis added.) That statement by Justice Cardozo clearly indicates that, had the federal law not preserved free choice by the States, there would have been a conflict with the Tenth Amendment. The rationale is obvious: any abridgement of a State's freedom to choose necessarily is in derogation of its sovereignty, because "freedom is inherent in sovereignty." United States v. Mayo, 319 U.S. 441, 447 (1943).

The salient point, then, is that Congress may involve the States in the enforcement of federal law, so long as the States' freedom of choice remains unrestricted, i.e., the States may be induced, but not compelled, to exercise their sovereign powers. See Oklahoma v. United States Civil Service Commission, 330 U.S. 127, 143 (1947). Congress therefore may not, in the guise of implementing national policy, dictate to the States

laws to be enacted and executive action to be undertaken. Cf. Tarble's Case, 80 U.S. (13 Wall.) 397, 407 (1871). This fundamental principle inherent in a federal system of government is strikingly illustrated by two nineteenth century cases arising under Article IV, Section 2 of the Constitution.

That constitutional provision declares, in pertinent part:

> A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.
>
> No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered upon Claim of the Party to whom such Service or Labour may be due.

After a dispute had arisen between Vir-

ginia and Pennsylvania regarding the extradition to Pennsylvania of a person indicted there for the forcible removal of a fugitive slave to Virginia, Congress enacted legislation regulating the disposition of all fugitives covered by Article IV, Section 2. Act of February 12, 1793, c. 7, 1 Stat. 302. The question then arose in Prigg v. Pennsylvania, 41 U.S. (16 Peters) 539 (1842), whether the federal law could require a State official to enforce the constitutional provision, notwithstanding that no such authority was conferred on the official by State law. Justice Story, writing for the Court, concluded that the federal law constitutionally could not have that effect:

> The clause [Art. IV, Sec. 2, Cl. 3] is found in the national Constitution, and not in that of any state. It does not point out any state functionaries, or any state action to carry its provisions into effect. The states cannot, therefore, be compelled to

> enforce them; and it might well be deemed an unconstitutional exercise of the power of interpretation, to insist that the states are bound to provide means to carry into effect the duties of the national government, nowhere delegated or intrusted to them by the Constitution.

Id. at 615-16.

The point was stated even more forcefully by Chief Justice Taney for a unanimous Court in Kentucky v. Dennison, 65 U.S. (24 How.) 66 (1860), a case that involved section 1 of the 1793 legislation, which dealt with the extradition of fugitive criminals. The law provided that, upon the presentation of certain proofs by the State demanding extradition, "it shall be the duty of the executive authority of the state or territory to which such person shall have fled" to deliver him over. Dennison, the Governor of Ohio, had refused to deliver to Kentucky a person charged there with the crime of assisting a slave

to escape, whereupon Kentucky sued in the Supreme Court, on original jurisdiction, for issuance of a mandamus against the Governor.

Chief Justice Taney's discussion of the effect of the fugitive law is a significant indication of the limitations imposed on the National Government by the principles of federalism:

> The words "it shall be the duty," in ordinary legislation, imply the assertion of the power to command and to coerce obedience. But looking to the subject matter of this law, and the relations which the United States and the several States bear to each other, the court is of opinion, the words "it shall be the duty" were not used as mandatory and compulsory, but as declaratory of the moral duty which this compact created, when Congress had provided the mode of carrying it into execution. The act does not provide any means to compel the execution of this duty, nor inflict any punishment for neglect or refusal on the part of the Executive of the State; nor is there any clause or provision in the Constitution which arms the Government of the United States with this power. Indeed, such a

> power would place every State under the control and dominion of the General Government, even in the administration of its internal concerns and reserved rights. And we think it clear, that the Federal Government, under the Constitution, has no power to impose on a State officer, as such, any duty whatever, and compel him to perform it; for if it possessed this power, it might overload the officer with duties which would fill up all his time, and disable him from performing his obligations to the State.... [W]e are very far from supposing, that in using ths word "duty", the statesmen who framed and passed the law, or the President who approved and signed it, intended to exercise a coercive power over State officers not warranted by the Constitution.

Id. at 107-8. (Emphasis added.)*

It is noteworthy that Prigg v. Pennsylvania and Kentucky v. Dennison dealt with a provision of the Constitution (Art. IV, Sec. 2) that contains language which seem-

*See Ex parte, Commonwealth of Virginia, 100 U.S. (10 Otto) 339 (1880), a Reconstruction era case involving the Civil Rights Amendments which cites approvingly (id. at 347-8) to Chief Justice Taney's opinion in Dennison.

ingly imposed affirmative duties on the States. Yet this Court, in order to preserve the delicate balance between the State and National Governments in our federal system, strained not to find any authority in the National Government to control the exercise of State power. Any attempt to find such authority in the Commerce Clause, upon which the Clean Air Act is premised, would, then, clearly be violative of the Tenth Amendment and basic principles of federalism; for Article I, Section 8, where the Commerce Clause is found, contains no language even arguably directed at the States, but rather is a limited surrender of power to the National Government.

b) Direct regulation of State activities affecting commerce by the National Government

Moreover, even when a particular State activity is "commerce" within the meaning of

the Commerce Clause, Congress nevertheless may not regulate that activity when to do so would "abrogate the States' otherwise plenary authority" to make policy determinations involving governmental functions essential to the States' separate and independent existence. National League of Cities v. Usery, supra, 44 U.S.L.W. at 4976. Thus, in National League of Cities, the Court held that Congress could not regulate the employment practices of States and their subdivisions, because compliance with the federal requirements would

> significantly alter or displace the States' abilities to structure employer-employee relationships in such areas as fire prevention, police protection, sanitation, public health, and parks and recreation. These activities are typical of those performed by state and local governments in discharging their dual functions of administering the public law and furnishing public services. Indeed, it is functions such as these which governments are created to provide,

> services such as these which the states have traditionally afforded their citizens. If Congress may withdraw from the states the authority to make those fundamental employment decisions upon which their systems for performance of those functions must rest, we think there would be little left of the states' "separate and independent existence."

Id. at 4979 (footnote omitted; citation omitted). The constitutionality of federal regulation of a particular State activity affecting commerce thus is not determined simply by looking to the nature of the activity itself, but by assessing the impact of the regulation on the entire decision-making system with which the State provides essential governmental services.

4. The Administrator's Position

The Administrator pays lip service to these principles. Thus, conceding that the National Government may only regulate "the State as polluter, not...the State as State"

(Pet. Br.,p. 20), the Administrator indicates to this Court a recognition of the constitutional limits to his powers:

> The Administrator has never asserted any power to compel the State to carry out its governmental responsibilities under an implementation plan by, for example, monitoring ambient air quality and enforcing the emission controls applicable to private stationary sources. Nor does he contend that he can direct the State to adopt laws or regulations creating transportation control plans that comply with the Act (see Pet. No. 1055, App. 27a-29a; Pet. No. 75-909, p. 17, n. 15). He thus concedes the necessity of removing from the regulations all requirements that the States submit legally adopted regulations; the regulations contain no requirement that the State adopt laws.

(Pet. Br., p. 20n. 14.) Despite that statement, however, the Administrator persists in arguing that as "owners and operators of polluting transportation facilities" - i.e., highways - the States are properly subject to federal regulation of their transportation policies (Pet. Br., p. 32).

The logic underlying the Administrator's position is patently flawed. A State's transportation policy is a function of the State as a State, i.e., such a policy is developed and implemented by a State in its constitutional role of a quasi-sovereign possessing certain reserved police powers. The "remedies" which the Administrator seeks to enforce against the respondents - inspection programs and enforcement of traffic laws - accordingly involve actions which can be performed by a State only as sovereign. (Clearly, a private "owner and operator" of a highway has no power to regulate the activities of persons using the road, other than by controlling access.) Quite plainly, the Administrator regards the States as "polluters" solely to support the assertion of federal authority to demand relief from the States as governmental entities.

But the discussion above demonstrates (and the Administrator apparently concedes) that the National Government may not assert its constitutional powers to exercise such control over State Government. Obviously, then, it cannot be enough to pass constitutional scrutiny merely to recite the incantation that the State is being regulated only as a "polluter." The scope of the federal regulation - i.e., the nature of the required State compliance - must likewise be limited to the State as a "polluter", lest such State activities be used - as the Administrator attempts here-as the rationale for an impermissible intrusion of federal authority into an area reserved to State sovereignty.

Furthermore, even assuming that the Administrator's actions did not involve such direct control over State police powers, the

Administrator's application of the Act does not survive scrutiny under this Court's recent holding in National League of Cities v. Usery, supra. The Administrator argues that the Act passes the constitutional test set forth in that decision because the statute: (1) affects only a small portion of a State's transportation policy, and not the full range of fundamental State activities; (2) permits the States to determine the means of compliance; and (3) does not have a significant financial impact (Pet. Br., pp. 47-49). That argument is specious because it ignores the critical interrelationship between transportation policy and other fundamental governmental services. There can be little doubt that in a modern, urbanized area, a public highway system is absolutely essential. Every vital governmental function - police protection, fire prevention,

health care, sanitation, education, etc. - is virtually totally dependent upon that highway system. Nor could such an area long exist as a viable economic unit, providing employment and business for its inhabitants, without its streets and highways. Thus, conforming a State transportation policy to federal requirements would have a significant impact on the process by which States and their subdivisions provide the whole range of fundamental services. (Moreover, although the States are permitted an initial say in fashioning the terms of compliance, all such State proposals are subject to approval and override by the Administrator.)

In the City's case, for example, the plaintiffs in Friends of the Earth v. Carey would require a disposition of police manpower that the Police Commissioner has stated, by affidavit, would affect the Police Depart-

ment's ability to maintain public order and safety. Police officers would be diverted from anticrime activities to parking and traffic enforcement. Another measure demanded by the plaintiffs would require the City, at a time of acute fiscal crisis, to reconstruct many of the highway approaches to the City's bridges in order to permit tolling. These measures, along with many others, have been deemed infeasible at this time by the City's Mayor, who, as the elected executive officer, has determined that basic governmental services must be maintained while the City struggles to regain its financial health. Yet if the Clean Air Act were were construed to support the Administrator's position in these cases, that decision by the Mayor would be superseded by the demands of federal requirements - a clear example of the extent to which local decision-

making regarding essential governmental services would be undermined.*

*Mr. Justice Blackmun's reference to "state facility compliance with imposed federal [environmental] standards" in his concurring opinion in National League of Cities v. Usery, supra, does not weaken the import of the majority decision for this case. A facility directly under State control - e.g., an incinerator - can easily be conformed to federal standards without in any way impairing basic policy determinations by the State. What the Administrator seeks here, however, is to use State jurisdiction over its highway system - an alleged "facility" affecting "commerce" - as a mere pretext for commandeering the entire panoply of State police powers, clearly not the situation envisioned by Mr. Justice Blackmun.

CONCLUSION

The Decisions of the Fourth and Ninth Circuit Courts of Appeals should be affirmed, and the decision of the District of Columbia Circuit Court of Appeals should be reversed insofar as said decision would compel the states to deny vehicle registration, to provide bus lanes and to make financial commitments for the purchase of additional buses.

Dated: New York, New York
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